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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/571,993

03/15/2006

Hiroyuki Nakamura

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EXAMINER

PAGAN, JENINE MARIE

ART UNIT

PAPER NUMBER

4147

MAIL DATE

DELIVERY MODE

12/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/571,993 | Applicant(s) NAKAMURA, HIROYUKI | |
| | Examiner JENINE M. PAGAN | Art Unit 4147 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10571993.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/15/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

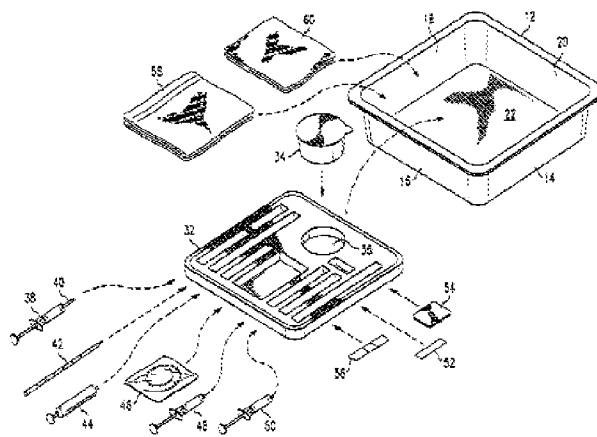
1. The references cited in the Search Report 3/15/2006 is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.



Busch (US PG Pub 2004/0004019 A1)

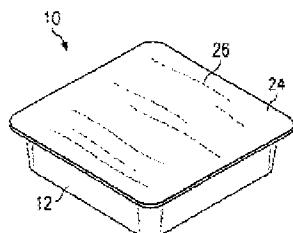


FIG. 1

Busch (US PG Pub 2004/0004019 A1)

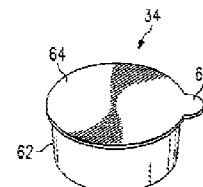


FIG. 4

3. Claims 1- 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Busch (US PG Pub 2004/0004019 A1).
4. In Re claim 1, with reference to the figures above, Busch discloses
 - Medicinal solution housing portion comprised of a medicinal solution housing container (34) provided with a medicinal solution housing chamber (36), and medicinal solution housing chamber housing a medicinal solution (34 and 36); closed by covering with a covering material (64).
 - Medical instrument housing portion which is a separate body from said medicinal solution housing container, comprised of a medical instrument housing container (32) provided with a medical instrument housing chamber (22), with the medical instrument housing chamber being closed by covering with a different covering material (24) from the aforementioned covering material.
5. In Re claim 2, with reference to the figure above, Busch discloses
 - Medicinal solution housing container (34) may detachably fit into is provided in the flange portion of the medical instrument housing container (32).
6. In Re claim 3, with reference to the figure above, Busch discloses
 - Medicinal solution housed in a medicinal solution housing chamber (36) of a medicinal solution housing container (34) and medicinal solution housing chamber being closed by covering with a covering material (64).
 - Medical instrument is housed inside the medical instrument housing chamber (22) of a medical instrument housing container (32), the medical

instrument housing chamber being closed by covering with a covering material (24) and treated with sterilization.

- Medicinal solution housing container and said medical instrument housing container being engaged for integration.

7. In Re claim 4, with reference to the figure above, Busch discloses

- A medicinal solution is housed in a medicinal solution housing chamber (36) of a medicinal solution housing container (34) and the medicinal solution housing chamber being closed by covering with a covering material (64).
- A medical instrument is housed inside the medical instrument housing instrument housing chamber (22) of a medical instrument housing container (32) and the medical instrument housing chamber being closed by covering with a covering material (24) and treated by sterilization
- Medicinal solution housing container and said medical instrument housing container being engaged for integration.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haedt (US 7,017,774 B2) discloses a tray with built in utensils. Pond (US 7,048,120 B2) discloses a package for fluid applicator devices. Debbs et al. (US 6,622,864 B1) discloses a package for storing sterile items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENINE M. PAGAN whose telephone number is (571)270-3216. The examiner can normally be reached on Monday - Friday, 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jenine M Pagan
Examiner
Art Unit 4147

JP
/George Nguyen/

Supervisory Patent Examiner, Art Unit 4147